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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/443,456 11/19/99 WEGENER

K 852/48375

EXAMINER

QM12/1108

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1200 G STREET NW SUITE 700
WASHINGTON DC 20005

ART UNIT 1108 PAPER NUMBER

DATE MAILED: 3722

11/08/00

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-30 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-30 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 6
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 17, 18, 23, 25 and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashimoto et al, EP 0615799.

Hashimoto et al teaches a "forming system" with at least one "forming tool" comprising dies 5-8 that are operative to form a workpiece 9. At least one machining device, "laser process machine 12," that is "integrated into the forming system" as broadly claimed, that would have a "local energy feed" as is necessary to power the laser, is provided. Note that the laser tool comprises at least in part "a machining element" and "electromagnetic energy" is conferred by the laser to machine the workpiece. Note further that the laser process machine is mounted to be movable at least in two transverse directions upon a "manipulation device" as shown in figure 2. Also, the process of claims 27-30 would clearly be achieved in the use of the apparatus of Hashimoto et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-16, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al.

Note that Hashimoto et al does not teach the use of plural machining tools “ parallel to one another,” or placement of the machining device “between two forming stations” but such duplication of the machining device and placement of the machining device of Hashimoto et al would be obvious to one possessing ordinary skill in the art as an obvious design choice as the salient machining would remain unchanged regardless of the chosen placement of the device and would be contingent upon, for example, the desired number of machining operations to be performed upon a particular workpiece. Further, the “ manipulation device” permutations of claims 9-16, such as “swiveling” means, a “swivel arm” or “parallel-kinematics robot, ” and a “gantry” constitute well-known support and movement providing means for machining tools and one possessing ordinary skill in the art would be expected to readily incorporate such particular manipulation devices to support the machining tool of Hashimoto et al and Official Notice is taken of the obviousness of such contention by the Examiner. Additionally, it is common in the machining art to provide “manipulation device” to be “programmable” to achieve the well-known benefits, such as increased positioning accuracy, that accrue to automation or computer control of machining devices and Official Notice is taken of such contention by the Examiner.

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Claim Rejections - 35 USC § 112

Claims 6 and 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, no means are set forth to support the claimed function “movable in a path-controlled manner. In claim 19, “at least one of the forming tool” has unclear antecedent.

Allowable Subject Matter

Claims 19-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to William Briggs who may be reached at (703) 308-1739 during his normal duty hours of 7:30 a.m. to 6:00 p.m., Tuesday through Friday. Messages may be left with the Technology Center 3720 receptionist who may be reached Monday through Friday between the hours of 8:30 a.m. to 5:00 p.m. at (703) 308-1148. In order to reduce pendency and avoid

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potential delays, Technology Center 3720 is encouraging FAXing of responses to Office Actions directly into the Technology Center 3720 at (703)305-3579. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Technology Center 3720 will be promptly forwarded to the examiner.

A handwritten signature in black ink, appearing to read 'W. Briggs', is centered on the page.

**WILLIAM BRIGGS
PRIMARY PATENT EXAMINER
ART UNIT 3722**